

APR 05 2007

Application No. 10/709,119

Docket No.: 65833-0012

REMARKS

Claims 42-51 were pending. The Examiner rejected claims 42-51 under 35 U.S.C. §112, ¶1. The Examiner also rejected claims 42-45 and 48-51 under 35 U.S.C. §§102/103 in light of Choi and/or Martin alone or certain combinations of Choi, Martin and Ziecker. Notably, the Examiner did not reject claims 46 and 47 under §102 or §103.

Applicant has amended independent claims 42 and 51 to include the limitations of claim 46 and has canceled claim 46. Applicant has amended claim 47 to depend from claim 42. Applicant has also added new claims 52-59. As amended, all of the pending claims include the limitations previously set forth in claim 46 (now canceled). Because the Examiner has not rejected claim 46 under §102 or §103, all of the currently-pending claims should be allowable, provided that, with respect to claims 42 – 51, the Examiner's rejection of previously-presented claim 46 under §112 is overcome.

Claims 42-51

The Examiner has stated three positions under §112. The first is that "The originally filed specification fails to teach or suggest the bottom end of the wall which separates the at least two dispersing chamber(s) is narrow or narrower than the distance between the outlet orifices." *10/5/06 Office Action, p.2*. At the outset, Applicant notes that the cited limitation only appears in claim 47, and, accordingly the Examiner's §112 rejection under this first basis does not apply to claims 42-46 and 48-51. Applicant has amended claim 47 to recite that the "end" of the wall has an "end tip" that is narrower than a distance between said outlet orifices. The "end tip" clearly precludes the Examiner's interpretation of the "end" as starting at the part of the wall wherein the width first starts to narrow. Support for this amendment is found in Figure 16, which shows the end tip (very end) of the wall 334 being narrower than a distance between the outlet orifices 330. Therefore, Applicant respectfully submits that the Examiner's §112 rejection of claim 47 under this first basis is overcome.

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The Examiner's second basis under §112 is that "The originally filed specification fails to teach or suggest the cross-sectional area of the at least one dispersing chamber proximate the inlet port is smaller than the cross-sectional area of the at least one dispersing chamber proximate the outlet orifices." *10/5/06 Office Action, p.3*. This limitation appears in independent claims 42 and 51, and, accordingly, the Examiner's §112 rejection under this second basis is applicable to claims 42-51. This second basis for the Examiner's §112 rejection is the only basis that applies to previously-pending claim 46 (now incorporated into claim 42). This rejection is not applicable to new claims 52-59 because the cited limitation does not appear in claims 52-59. With respect to claims 42-51, Applicant respectfully traverses the Examiner's rejection. The cited limitation is clearly shown in Figures 3, 13 and 16. For example, as shown in Figure 16 and described in paragraphs 60-61 of the originally-filed application, dispersing chamber 332 has two portions 331 and 333, disposed in the applicator body 322 (proximate the inlet port) and applicator plate 328 (proximate the outlet orifices), respectively. Figure 16 clearly shows that the portion of the dispersing chamber 331 disposed in the applicator body 322 is narrower than the portion of the dispersing chamber 333 disposed in the applicator plate 328. Therefore, Applicant respectfully submits that the Examiner's §112 rejection of claims 42-51 under this second basis is overcome.

The Examiner's third and final basis under §112 is directed to a grammatical error in claim 47. Applicant has amended claim 47 pursuant to the Examiner's suggestion to correct the grammatical error. Accordingly, Applicant respectfully submits that the Examiner's §112 rejection of claim 47 under this third basis is overcome.

Claims 52-59

New claims 52-59 mirror claims 42-51, except that the limitation relating to the relative areas of the cross-sections of the dispersing chambers – rejected by the Examiner as not being supported under §112 – is not part of claims 52-59. Like amended claims 42-51, new claims 52-59 include the limitation of previously-pending claim 46, which was not rejected by the Examiner under §102 or §103. Thus, claims 52-59 should be allowable over the cited prior art.

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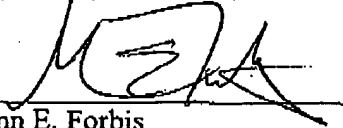
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In view of the above amendment, applicant believes the pending application is in condition for allowance.

Any fee due has been addressed in an accompanying transmittal. Please charge our Deposit Account No. 18-0013, under Order No. 65833-0012 from which the undersigned is authorized to draw.

Dated: April 5, 2007

Respectfully submitted,

By 

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